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7 JOSEPH D. RUCKER,
8 Plaintiff,
9 v.
10 C. CONICK, et al.,
11 Defendants.

Case No. [21-cv-02130-EMC](#)

ORDER OF DISMISSAL

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13 On October 13, 2021, the Court determined that the *pro se* prisoner's civil rights complaint
14 in this action failed to state a claim upon which relief may be granted. Docket No. 11. The Court
15 granted Plaintiff leave to file an amended complaint no later than December 17, 2021, and
16 cautioned Plaintiff that failure to file an amended complaint by the deadline would result in the
17 dismissal of this action. *Id.* at 8.

18 Plaintiff did not file an amended complaint, and the deadline by which to do so has long
19 passed. For the foregoing reasons, and the reasons stated in the order of dismissal with leave to
20 amend, this action is **DISMISSED** for failure to state a claim upon which relief may be granted.

21 The Clerk shall close the file.

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23 **IT IS SO ORDERED.**

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25 Dated: February 9, 2022

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EDWARD M. CHEN
United States District Judge